

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

CHOUA XIONG and HOPE XIONG,

Plaintiffs,

v.

Case No: 6:22-cv-1957-RBD-LHP

UNITED STATES OF AMERICA,
BRIAN BOGDANOWICZ, MEDI-
QUICK URGENT CARE CENTERS,
INC. and MEDI-QUICK URGENT
CARE CENTERS, LLC,

Defendants

ORDER

This cause came on for consideration without oral argument on the following
motion filed herein:

**MOTION: MOTION TO COMPEL DISCOVERY OF MENTAL
HEALTH PROVIDERS, SCHOOLS ATTENDED,
PEDIATRICIANS AND INCORPORATED
MEMORANDUM OF LAW IN SUPPORT (Doc. No.
85)**

FILED: August 24, 2023

THEREON it is ORDERED that the motion is GRANTED.

Defendants Brian T. Bogdanowicz and Medi-Quick Urgent Care Centers, Inc. move to compel Plaintiff Hope Xiong¹ to serve amended answers to Interrogatories 5 and 22 to their First Interrogatories. Doc. Nos. 85, 85-2. Interrogatories 5 and 22 seek, among other things, information regarding the names and dates of schools attended by Hope Xiong's minor children (on whose behalf this action has been brought), the names and addresses of the minor children's pediatrician(s), and the names and addresses of the mental health treatment providers for the minor children. Doc. No. 85-2, at 3, 6. According to the motion and Hope Xiong's attached responses, Hope Xiong objected to Interrogatories 5 and 22, to the extent they sought information regarding the minor children, as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Doc. No. 85-3, at 4, 11.

On Plaintiffs' motion, the deadline for Plaintiffs to respond to the above-styled motion was extended through September 5, 2023. Doc. Nos. 87-88. However, that deadline has now passed, without a timely filed response. Accordingly, the Court deems the motion to be unopposed. *See* Doc. No. 36 ¶ 5

¹ Defendants' motion inconsistently references either "Plaintiff" or "Plaintiffs," but does not explicitly reference from which Plaintiff they seek compliance. Doc. No. 85. However, the First Interrogatories attached to the motion were served on Plaintiff Hope Xiong alone. Doc. No. 85-2. Thus, this Order addresses Defendants' motion as it relates to Plaintiff Hope Xiong alone.

("[A] failure to file a timely response will result in the Motion being deemed unopposed."). *See also* Doc. No. 35, at 13 ("[T]he Court routinely grants motions as unopposed when no Response is filed."); *Westchester Surplus Lines Ins. Co. v. Paramount Disaster Recovery, LLC*, No. 6:18-cv-1738-Orl-37DCI, 2019 WL 5294804, at *1 (M.D. Fla. Apr. 19, 2019) ("The Court routinely grants motions as unopposed where the opposing parties have not filed a response in opposition to the motion."); *Bercini v. City of Orlando*, No. 6:15-cv-1921-Orl-41TBS, 2016 WL 11448993, at *2 (M.D. Fla. Sept. 28, 2016) (granting in full unopposed motion to compel); *Daisy, Inc. v. Pollo Operations, Inc.*, No. 2:14-cv-564-FtM-38CM, 2015 WL 2342951, at *1 (M.D. Fla. May 14, 2015) (when defendant did not respond court could consider motion to compel unopposed).

Upon review of the unopposed motion, and the related discovery attached, the Court finds the motion (Doc. No. 85) well taken. Accordingly, it is **ORDERED** as follows:

1. The Motion to Compel Discovery of Mental Health Providers, Schools Attended, Pediatricians (Doc. No. 85) is **GRANTED**.
2. On or before **September 20, 2023**, Plaintiff Hope Xiong shall serve on Defendants Brian T. Bogdanowicz and Medi-Quick Urgent Care Centers, Inc. amended, sworn answers to Interrogatories 5 and 22.

3. All objections to the discovery at issue have been waived by the failure to timely respond to the motion to compel. *See, e.g., Jackson v. Geometrica, Inc.*, No. 3:04-cv-640-J-20HTS, 2006 WL 213860, at *1 (M.D. Fla. Jan. 27, 2006) (objections not addressed in response to a motion to compel are deemed abandoned); *Bercini*, 2016 WL 11448993, at *2 (same).

4. **Failure to comply with this Order may result in sanctions.** *See Fed. R. Civ. P. 37(b).*²

DONE and ORDERED in Orlando, Florida on September 6, 2023.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties

² Defendants do not request an award of fees and costs or any other relief in their motion, *see* Fed. R. Civ. P. 37(a)(5); accordingly, the Court declines to award any further relief at this time.